

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX
DIGITAL GROUP LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; and JAMES MAY,

Defendants.

No. 2:21-cv-811-TSZ

DECLARATION OF WILLIAM C. RAVA
IN SUPPORT OF BUNGIE, INC.'S
REQUEST FOR ATTORNEYS' FEES IN
CONNECTION WITH THE DEPOSITION
OF SCOTT KRAEMER

I, William C. Rava, declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of Washington. I am a Partner at Perkins Coie LLP, and counsel in this action for Plaintiff Bungie, Inc. ("Bungie" or "Plaintiff"). I submit this declaration in support of Bungie, Inc.'s Request for Attorneys' Fees in Connection the Deposition of Scott Kraemer. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently thereto under oath.

2. Bungie seeks an award of attorneys' fees totaling \$35,652 in connection with its preparation for and attendance at the June 23, 2023 deposition of Defendants' prior expert witness, Scott Kraemer (the "Kraemer Deposition"). This amounts to 27 hours for myself at \$1145/hour;

RAVA DECL. ISO BUNGIE'S
REQUEST FOR ATTORNEYS' FEES RE KRAEMER
(No. 2:21-cv-811-TSZ) – 1

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Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 0.4 hours for Jacob Dini at \$670/hour; 3.4 hours for Tim Carter at \$665/hour; and 4.8 hours for
 2 Patricia Marino at \$460/hour.¹

3 3. Tim Carter is an associate with Perkins Coie. Mr. Carter represents, counsels, and
 4 defends clients in intellectual property, right of publicity, false advertising, unfair competition, and
 5 consumer protection matters. He has litigated on behalf of major media, entertainment,
 6 technology, and consumer goods clients in a broad range of IP, consumer protection, and false
 7 advertising matters in state and federal courts across the country.

8 4. Patricia Marino is a senior paralegal with Perkins Coie. Ms. Marino has been a
 9 paralegal at Perkins Coie for 23 years and has significant experience with complex litigation and
 10 deposition preparation.

11 5. As I stated in paragraph 6 of my declaration in opposition to Defendants' motion
 12 to substitute expert witness (Dkt. No. 153), I and my team invested substantial time and effort to
 13 prepare for and take the Kraemer Deposition. That time and effort, and a description of the work
 14 performed, is reflected in the time entries in the invoice attached hereto as **Exhibit 1**.

15 6. The total amount of hours expended preparing for and conducting Mr. Kraemer's
 16 deposition was reasonable. This deposition was important to this case. Mr. Kraemer was
 17 Defendants' only expert witness, and his report addressed liability issues for at least May's three
 18 Computer Fraud and Abuse Act counterclaims, as well as Phoenix Digital's breach of contract
 19 counterclaim. The deposition also involved highly technical issues, including purported reverse
 20 engineering of software code, purported access of IP addresses and methods associated with
 21 AimJunkies.com, and interpretation of data related to MD5 hashes and system drivers. Mr.
 22 Kraemer also referenced and relied upon dozens of documents, several of which were technical in
 23 nature, in support of his report, which my team and I were required to review to understand the
 24 purported basis of Mr. Kraemer's opinions. Moreover, the requested time does not include

25
 26 ¹ Descriptions of my practice and Jacob Dini's practice, as well as our biographies, were provided with my
 July 7, 2023 declaration submitted in support of Bungie's request for attorneys' fees and costs in connection with the
 March 20, 2023 deposition of Phoenix Digital Group LLC. Dkt. No. 143.

1 substantial time these timekeepers invested in researching and considering responses to
2 Mr. Kraemer's report not directly related to preparation for his deposition.

3 7. As explained in my prior fees declaration (Dkt. No. 143), the requested rates are
4 reasonable in this market. In fact, in connection with the fee request in the parallel arbitration
5 proceeding (which this Court has confirmed), Defendants did not object to or otherwise respond
6 to Perkins Coie's rates. *See* Final Award (Dkt. No. 89-1) at 2-3 ("I [Judge Cox] directed the parties
7 to provide briefing on the amount of such [attorneys' fees] and award. Bungie provided that
8 briefing. Aimjunkies and the other respondents elected not to provide any briefing."). Defendants
9 similarly did not seriously challenge the reasonableness of the Perkins Coie rates in connection
10 with the fee award for the Phoenix Digital March 2023 deposition, other than to comment (without
11 any supporting evidence or reasoning) that Bungie's counsel charged "premium" or "hefty" rates.
12 *See* Dkt. No. 172.

13
14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct.

16
17 Executed this 18th day of August, 2023.

18 /s/William C. Rava
19 William C. Rava